



Crl.O.P.No.26616 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners seek anticipatory bail in Crime No.15 of 2023, registered by the respondent police for the offence under Sections 498(A), 323, 294(b) and 363 of IPC.

2.The learned counsel for the petitioners states that they have been falsely implicated in this case as accused. They are innocent and thus, prays for grant of bail to the petitioners.

3.The first petitioner is the father of a child who was born on 17.08.2020. The second and third petitioners are the parents of the first petitioner. The first petitioner has a marital dispute with his wife. She had gone over to Saudi Arabia, leaving the child with her parents. The case against the first petitioner is that he went over to the house of the parents of the defacto complainant and took away the child.

4.At any rate, as a father, in the absence of the mother, he also has a right to have the custody of the child.

5.This Court, by an order dated 24.11.2023, had granted interim anticipatory bail to the petitioners and sureties had also been executed accordingly.



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6. The respondent has not completed their investigation and it is stated that charge sheet would be filed before the jurisdictional Magistrate Court.

7. In view of that particular fact, the interim bail already granted by this Court dated 24.11.2023 is made absolute and the same order may be retained subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate, Arakkonam** on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

18.12.2023

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